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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/657,351	09/07/2000	Haseeb Akhtar	13321RRUS01U	1632
21909	7590	09/30/2004	EXAMINER	
CARR LAW FIRM, L.L.P. 670 FOUNDERS SQUARE 900 JACKSON STREET DALLAS, TX 75202			FERRIS, DERRICK W	
			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/657,351

Applicant(s)

AKHTAR ET AL.

Examiner

Derrick W. Ferris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Oath/Declaration*

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It was not executed in accordance with either 37 CFR 1.66 or 1.68. In addition, examiner notes that the listing of inventors does not match applicant's title sheet.

Examiner also notes the continuation information for the parent case may be incorrect (i.e., the applicant data sheet says applicant claims benefit from 09/152,916 now patent 6,249,680 which does not list the correct inventors). Please submit a signed oath/declaration. Please also verify using PAIR that all papers for the file have been properly entered (i.e., that no papers are missing) since (1) no signed oath was found and (2) the continuation information on record appears to be incorrect.

### *Drawings*

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the feature of an SMM IP address and an SMM NAI for a layer 2 message as recited in claim 3 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. In other words, the examiner could not find the structure for a layer 2 message. Instead the examiner found the structure of a layer 3 (i.e., IPM message) shown in applicant's figure 20 (e.g., see applicant's specification at page 72). Thus the examiner is requesting applicant to clearly point out the above-mentioned

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information elements/fields for a layer 2 message for the claim limitations of claim 3 in the figures.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claim 3** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. SMM lacks proper antecedent basis. Also please write out all acronyms recited in the claims such as SMM and NAI.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1, 2, 4-5** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,731,621 B1 to *Mizutani et al.* (“*Mizutani*”).

As to **claim 1**, with respect to *Mizutani* a MS is MN, a MSC/VLR is xAN, a PGW (current or home) is LSF, and an Internet is NSF. As such, for steps (a)-(c) see figure 7 with respect to request for registration (i.e., initiation of a L2 session) and report of completion (i.e., L2 termination). In particular, this part can be either layer 2 or layer 3 where if layer 2 is selected then a mobile station ID is used, see e.g., column 9, lines 12-24. As to steps (d)-(e), see e.g., steps 1605 or 1903 in figures 16-19 and column 14. In particular, receiving a resource management request is part of step 1605 for packet routing processing at the PGW (i.e., LSF) where managing xAN resources and notifying of completion is taught as part of a paging process as taught in steps 1705 and 1708 or as part of receiving packet routing process as part of step 1903.

As to **claim 2**, with respect to an IPM message see e.g., figure 14d.

As to **claim 4**, see e.g., figure 19. With respect to mapping L2 and L3 addresses see figure 3 for location information as L2 and destination PGW address as 304. Note that different LSF work for different subnetworks (i.e., a second LSF).

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As to **claim 5**, as to steps (a) – (c) see e.g., figure 14d (the PGW is the LSF and the Internet is NSF). As to steps (d) and (g), see e.g., figures 15(a) or (b). With respect to steps (e) and (f), see e.g., steps 1605 or 1903 in figures 16-19 and column 14 (see similar rejection above for claim 1).

7. **Claims 1-5** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,501,746 B1 to *Leung et al.* (“*Leung*”).

As to **claim 1**, see figure 17 where router/agent 1702 is applicant’s xAN and LSF (i.e., the examiner assumes the functionality is combined such that applicant’s steps 1420 and 1428 shown in applicant’s figure 14a is performed concurrently by *the same message* which is both layer 2 and layer 3). Thus the registration request shown in figure 3 of *Leung* teaches applicant’s steps 1420 and the registration request shown in figure 4 of *Leung* teaches applicant’s steps 1426 and 1446. In other words, claim 3 further recites that the OSI layer 2 termination message contains layer 3 information (i.e., an SMM IP address) such that the layer 2 message is actually *a layer 3 message* (i.e., the examiner found no clear description or mention for a figure of a layer 2 termination message other than on the bottom of page 89 and page 92 of applicant’s specification, see objection to the drawings above). As such, authentication is performed on a registration message teaching a step of termination and steps (d)-(e) are taught as part of the binding table which binds layer 2 and layer 3 messages together.

As to **claim 2**, the registration request message (see e.g., figure 3) is also an IPM message in addition to being a layer 2 message.

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As to **claim 3**, see figure 4 which contains a home agent address 412 (i.e., IP address of SMM) and a SMM NAI as part of a home address 418.

As to **claim 4**, mapping is done using the binding table (see e.g., figure 5) and interface table (see e.g., figure 11) and the layer 2 to layer 3 translation is taught as part of figure 4. The movement is translated as part of the foreign agent interaction with the home agent in view of figure 17.

As to **claim 5**, see similar rejection to claim 1 where the IPM message is also the registration reply and request.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick W. Ferris whose telephone number is (571) 272-3123. The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Derrick W. Ferris

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Examiner

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CHI PHAM  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600 9/27/04